

Officer History

Officer Name: Kalogiros, Alexandros

Tax ID: 936837

Sex: M

Shield: 04913

Race: White

Rank: DT3

Command: 348

DOB: [REDACTED]

Appt Date: 01/10/2005

Age: [REDACTED]

Tenure: 16

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
200717351	12/02/2007	12/02/2007	Abuse - Refusal to provide name/shield number	Unsubstantiated			113
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
200818438	12/24/2008	12/18/2008	Force - Physical force	Unsubstantiated			113
	12/24/2008	12/18/2008	Force - Gun Pointed	Unsubstantiated			113
	12/24/2008	12/18/2008	Abuse - Threat of force (verbal or physical)	Unsubstantiated			113
200912714	08/17/2009	08/09/2009	Discourtesy - Word	Unsubstantiated			113
	08/17/2009	08/09/2009	Force - Other blunt instrument as a club	Unsubstantiated			113
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
	08/17/2009	08/09/2009	OMN - Failure to prepare a memo book entry	Other Misconduct			113
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
201607047	08/16/2016	08/16/2016	Abuse - Premises entered and/or searched	Unsubstantiated			580
	08/16/2016	08/16/2016	Abuse - Premises entered and/or searched	Substantiated (Command Discipline A)	Formalized Training	Formalized Training	580
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			[REDACTED]
Total Charges = 20				Total Cases = 10			

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CCRB INVESTIGATIVE RECOMMENDATION

Investigator: █ Cody	Team: Team # 3	CCRB Case #: 200912714	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sun, 08/09/2009 9:04 PM	Location of Incident: █	Precinct: 113	18 Mo. SOL 02/09/2011	EO SOL 2/9/2011	
Date/Time CV Reported Mon, 08/10/2009 12:32 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/17/2009 2:25 PM		

Complainant/Victim	Type	Home Address
1. █	Comp/Victim	█ St Albans NY 11412

Witness(es)	Home Address
1. █	Unknown
2. █	█ St Albans NY 11412
3. █	█ St Albans NY 11412

Subject Officer(s)	Shield	TaxID	Command
1. POM █	█	█	113 PCT
2. POM Alexandros Kalogiros	15725	936837	113 PCT
3. POM █	█	█	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT █	█	█	113 PCT
2. POM █	█	█	113 PCT
3. SGT █	█	█	113 PCT
4. LT █	█	█	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Alexandros Kalogiros	Abuse of Authority: PO Alexandros Kalogiros stopped █ █	A . Exonerated
B . POM █ █	Abuse of Authority: PO █ █ stopped █ █	B . Miscellaneous - Subject Resigned
C . POM Alexandros Kalogiros	Force: PO Alexandros Kalogiros pointed his gun at █ █	C . Exonerated
D . POM Alexandros Kalogiros	Force: PO Alexandros Kalogiros struck █ █ with a blunt instrument.	D . Unsubstantiated
E . POM Christoper █	Force: PO Christoper █ used physical force against █ █	E . Miscellaneous - Subject Resigned
F . POM █ █	Force: PO █ █ used physical force against █ █	F . Unsubstantiated
G . POM Alexandros Kalogiros	Discourtesy: PO Alexandros Kalogiros spoke obscenely to █ █	G . Unsubstantiated
H . POM Alexandros Kalogiros	Other: PO Alexandros Kalogiros failed to prepare a memo book entry as required.	H . Other Misconduct
I . POM █ █	Other: PO █ █ failed to prepare a memo book entry as required.	I . Other Misconduct

Case Summary

On August 10, 2009, Sgt. [REDACTED] of the 113th Precinct, reported this incident to Internal Affairs. On August 9, 2009, at approximately 9:00pm, in the vicinity of [REDACTED] 196th Street in Queens, Officer [REDACTED] and Officer Alexandros Kalogiros, both of the 113th Precinct, became involved in a pursuit of [REDACTED]. The following allegations resulted from the officers' actions:

Allegation A) Abuse of Authority: PO Alexandros Kalogiros stopped [REDACTED]

The investigation determined that Officer Kalogiros was warranted in stopping Mr. [REDACTED]. It is therefore recommended **Allegation A** be closed **exonerated**.

Allegation B) Abuse of Authority: PO [REDACTED] stopped [REDACTED]

Allegation E) PO [REDACTED] used physical force against [REDACTED]

Internal Affairs indicated that Officer [REDACTED] resigned from the NYPD. It is therefore recommended **Allegations B and E** be closed **miscellaneous – subject resigned**.

Allegation C) Force: PO Alexandros Kalogiros pointed his gun at [REDACTED]

Considering the officers entered a house containing a suspect they believed might have a gun, they had grounds to enter the house with guns pointed, and also point their guns at Mr. [REDACTED]. It is therefore recommended **Allegation C** be closed **exonerated**.

Allegation D) Force: PO Alexandros Kalogiros struck [REDACTED] with a blunt object.

Allegation F) Force: PO [REDACTED] used physical force against [REDACTED]

Allegation G) Discourtesy: PO Alexandros Kalogiros spoke obscenely to [REDACTED]

This investigation could not come to a preponderance of evidence regarding the above allegations. It is therefore recommended **Allegations D, F and G** be closed **unsubstantiated**.

Allegation H) Other Misconduct: PO Alexandros Kalogiros failed to prepare a memo book entry as required.

Allegation I) Other Misconduct: PO [REDACTED] failed to prepare a memo book entry as required.

Since both officers failed to document this incident in their memo-books, it is recommended **Other Misconduct** be noted.

This case was initially closed by the CCRB on November 6, 2009, due to [REDACTED] being uncooperative. However, Mr. [REDACTED] wrote a letter to the CCRB requesting his case be reopened and on April 12, 2010, his request was granted. Internal Affairs investigator Sgt. [REDACTED] Flynn is investigating this case under log number 09-38898. To date, his case is still open.

Results of Investigation

Civilian Statement(s)

Complainant/Victim: [REDACTED]

- Mr. [REDACTED] is 25 year old black male, 5'11", 170 pounds with black hair and brown eyes.

Arrest Photograph

Mr. [REDACTED] arrest photograph (Enc. 4A) shows no evidence of any injury in the photograph of the front of his face. In the second photograph taken of Mr. [REDACTED] right side it shows two staples in the back of his head.

IAB Statements

On August 10, 2009, [REDACTED] was interviewed by Det. [REDACTED] Himmelman, of Group 9 of Internal Affairs on a call-out (Enc. 6A-C). There are a number of points made in this interview that differ from Mr. [REDACTED] account provided to the CCRB. On April 27, 2010, Mr. [REDACTED] was interviewed a second time by Sgt. [REDACTED] Flynn, of Group 54 of Internal Affairs (Enc. 7A-B). This interview also differed from both the first IAB interview conducted and the CCRB interview conducted. Those inconsistencies will be noted in the statement below. It is important to note that the CCRB is not in possession of a recording of these interviews and as a result, the transcribed interviews cannot be verified for accuracy.

CCRB Statement

[REDACTED] was interviewed by the CCRB at Rikers Island on May 4, 2010 (Enc. 8A-C). He stated that on the incident date, he was walking from his friend's house near 197th Street and Linden Avenue in Queens. Mr. [REDACTED] was walking to his grandmother's house at [REDACTED] 198th Street (his grandmother is [REDACTED] Graves). He was walking alone and was wearing a shirt and a wife beater, and either jeans or shorts. As he was walking, an [REDACTED] gray car drove up towards him and on to the sidewalk, almost striking Mr. [REDACTED]. Mr. [REDACTED] ran out of the car's way and then continued to run. In Mr. [REDACTED] first IAB interview, he indicated that one of the officers got out of the vehicle and said, "That's the prick from the other night." In that interview, Mr. [REDACTED] said he recognized the officers from a confrontation at a house party on a previous date in which people had thrown bricks at the officers. Mr. [REDACTED] indicated he was frightened of the officers and ran.

In regards to Mr. [REDACTED] CCRB interview, he stated it was unclear exactly when he realized the individuals who almost struck him were police officers, but he said they had been wearing uniforms. Mr. [REDACTED] did not know why the officers began pursuing him.

Mr. [REDACTED] ran towards 196th Street and then turned on to it running towards 118th Street. As soon as he turned the corner, the same gray vehicle struck him. Mr. [REDACTED] could not recall whether he was on the sidewalk or on the street at that point. The front bumper of the vehicle hit Mr. [REDACTED] on the right portion of his upper leg and waist area. Mr. [REDACTED] was aware at this point that police officers were pursuing him. Mr. [REDACTED] flipped into the air and landed on his back.

In Mr. [REDACTED] first IAB interview, he stated that he was struck by an unknown black female (a civilian) as he ran from the officers. In the second IAB interview, there is no information regarding being struck by a vehicle or the officers pursuing him.

Mr. [REDACTED] continued running towards a house he believed belonged to his friend, "Dread" whose real name he does not know. He was running to Dread's house because he wanted witnesses to see what would happen when the police apprehended him. Mr. [REDACTED] ran into the backyard he thought was Dread's and went into a side door that was open. Mr. [REDACTED] ran into the kitchen and locked the door behind him. Mr. [REDACTED] saw flashlights outside and knew there were officers around the house. Mr. [REDACTED] then heard someone in the house allow the

officers in. Mr. [REDACTED] ran up the stairs and saw two people, a husband and wife. Mr. [REDACTED] did not know either people and realized he was not in Dread's house. He knew that the officers were going to beat him, and was familiar with the officers that were chasing him, as they have arrested him before.

Mr. [REDACTED] said that the husband and wife did not appear alarmed that he was in the house because he immediately told them he did not want to hurt them and that the police were looking to beat him. Mr. [REDACTED] said he knew it was a bizarre situation for them to be in but he asked them to go downstairs and ask for the police to leave. As soon as the male started walking down the stairs, PO1, a white male, slim build, shaved head, 6'3", clean shaven, identified via investigation as Officer [REDACTED] and PO2, a white male, 5'10", stocky, black spikey hair, identified via investigation as Officer Kalogiros began running up the stairs. Mr. [REDACTED] was standing in the doorframe of one of the rooms. Officer Kalogiros yelled, "Turn the fuck around," and pointed his gun at Mr. [REDACTED]

Mr. [REDACTED] immediately turned around inside the doorframe and got to one knee. At that time, Mr. [REDACTED] felt a blow to the back of his head and said he knew it was the gun Officer Kalogiros was holding because Officer Kalogiros had just been pointing it at him. Mr. [REDACTED] immediately fell to the ground and tried to protect himself because the officers proceeded to strike him about his body, twice in his head, and once on the back of his neck. Mr. [REDACTED] said he was being struck for five to six minutes but did not know if other officers were involved. Most of the blows he was feeling were towards the body because he was covering his body. Mr. [REDACTED] could not estimate how many people were hitting him. Mr. [REDACTED] knew other officers had come up the stairs but he was not sure how many officers were striking him. Mr. [REDACTED] never fought back and just kept saying he had no gun. He was laying flat on the ground, chest first.

(In Mr. [REDACTED] first interview with IAB, he indicated Officer [REDACTED] ran upstairs and yelled, "Where's the gun," and "get on the floor," at which time Mr. [REDACTED] crawled into a fetal position and wrapped his hands around his head. Officer [REDACTED] began kicking and punching Mr. [REDACTED] at which time Mr. [REDACTED] felt something hard strike him in the back of his head and at the same time striking his wrist area on his right hand, causing a laceration to Mr. [REDACTED] head and a sprain to his right wrist. At that point, Officer Kalogiros arrived and began kicking and punching Mr. [REDACTED] body.

(In the second IAB interview, Mr. [REDACTED] indicated that both Officer [REDACTED] and Officer Kalogiros came upstairs, with Officer Kalogiros running at him saying, "get your fucking hands up in the air, you mother fucker" and then striking Mr. [REDACTED] in the face with an open hand. Officer Kalogiros then struck Mr. [REDACTED] in the back of his head with what he believed was a gun. Officer [REDACTED] then punched and kicked Mr. [REDACTED] a couple of times. Mr. [REDACTED] stated that Officer [REDACTED] punched him while he was at the top of the stairs). Mr. [REDACTED] heard the officers saying, "Where's the fucking gun?" Mr. [REDACTED] was handcuffed on the ground and the officers dragged him outside. As they were leading him downstairs, PO3, a black male, 5'7", slim build, medium complexion, short hair cut, light facial hair, identified as Officer [REDACTED] was walking up the stairs and said, "That's the mother fucker," and then punched Mr. [REDACTED] in his face above his left eye, causing Mr. [REDACTED] to partially lose consciousness.

Mr. [REDACTED] regained consciousness inside the patrol car and was covered in blood. Mr. [REDACTED] was brought to the precinct and was saying, "Fuck you pig ass cops." Mr. [REDACTED] said Officer Kalogiros was telling him, "You mother fuckers are always selling weed," and continued to berate Mr. [REDACTED]. Mr. [REDACTED] began cursing at him back, calling him a "nigger." Mr. [REDACTED] said they could have fought him one on one. Officer Kalogiros said if he had it his way he would "kill all you mother fuckers." Mr. [REDACTED] said he knew and said "You're tough with that badge on, but you're a fucking bird." Mr. [REDACTED] said he was angry at that point.

Eventually, Mr. [REDACTED] went to Queens General Hospital, and received four staples in his head and was diagnosed with a wrist sprain. Mr. [REDACTED] did not sustain any injuries from being hit by the vehicle. Mr. [REDACTED] never had a gun on him.

During Mr. [REDACTED] second IAB interview on April 27, 2010, he was shown two photo arrays, both containing Officer Kalogiros and Officer [REDACTED] (Enc. 6A-C) and (Enc. 7A-B). He picked out Officer Kalogiros as the officer who struck him on the head with a blunt object. He picked Officer [REDACTED] out as the second officer who approached him who punched and kicked him.

On November 17, 2010, a photo array viewing was conducted by the CCRB with Mr. [REDACTED] at Rikers Island (Enc. 9A-F). He was shown a photo array with 6 photos, 5 of which were fillers and one which was Officer [REDACTED]. He identified Officer [REDACTED] from photo 5 as the officer who punched him in the face as he was being led downstairs in handcuffs. He initialed and dated the photo at the bottom. He did not recognize officers from any other array.

Witness: [REDACTED] [REDACTED]

On August 10, 2009, Det. [REDACTED] Himmelman of Internal Affairs, Group 54, interviewed [REDACTED] [REDACTED] at [REDACTED] 196th Street in Queens (Enc. 10A-B). [REDACTED] [REDACTED] whose interview is below, is his father-in-law. Mr. [REDACTED] stated that on the incident date he was in his backyard listening to music and using the internet when he heard noise in the front of his house. He got up and looked in his driveway to see what was happening. As he approached the front of his house he observed a uniformed officer, identified by IAB as Officer [REDACTED] [REDACTED] running towards him (Note: IAB gives no indication how they identified Officer [REDACTED] as this officer). He heard Officer [REDACTED] transmit over his radio that a male has a gun. Mr. [REDACTED] looked into his backyard and observed a male, identified as Mr. [REDACTED] via a mugshot photograph, running towards his home. Mr. [REDACTED] does not know Mr. [REDACTED]. Mr. [REDACTED] alerted the police and told him of Mr. [REDACTED] location. Mr. [REDACTED] stated that he did not observe any injury on Mr. [REDACTED] at this time. He went back to the rear of his house and realized that Mr. [REDACTED] had entered the house. Mr. [REDACTED] let the officer inside.

Mr. [REDACTED] did not see Mr. [REDACTED] get arrested but heard an officer repeatedly yelling at him, "show me your hands." Officer [REDACTED] was alone with Mr. [REDACTED] for approximately three minutes before being joined by approximately 10 to 12 additional officers. Mr. [REDACTED] was then brought downstairs approximately three minutes later in handcuffs with a laceration to his head.

Mr. [REDACTED] was shown a photo array containing Officer [REDACTED] but he did not recognize him. Given the information obtained by IAB and because Mr. [REDACTED] did not witness any of the allegations, no attempts were made by the CCRB to contact Mr. [REDACTED] as his testimony would not effect the dispositions of the allegations in this case.

Witness: [REDACTED] [REDACTED]

On August 10, 2009, [REDACTED] [REDACTED] was interviewed by Det. Himmelman at [REDACTED] 196th Street in Queens (Enc. 11A-B). Mr. [REDACTED] stated that on the incident date he was laying in bed while his wife was in the bathroom. He heard car tires screeching outside and got up and looked out his window. He observed a police vehicle in front of his house. Mr. [REDACTED] was not feeling well and laid back down in bed. He then heard someone enter his bedroom breathing hard. He jumped up out of bed and was grabbed in a bear hug by the man, Mr. [REDACTED] who he identified via an arrest photograph. Mr. [REDACTED] did not know Mr. [REDACTED] and knew he did not belong in the house. Mr. [REDACTED] being larger than Mr. [REDACTED] was able to push him to the floor. Mr. [REDACTED] ran from his room and pulled the door closed, grabbed his wife and ran downstairs to summon the police officers outside. Once downstairs, he saw an officer at his front door and beckoned the officer inside. The officer went upstairs while he and his wife stayed

outside. He heard the officer yelling, "Show me your hands." Other officers arrived on scene and Mr. [REDACTED] directed them upstairs. Mr. [REDACTED] did not witness the arrest of Mr. [REDACTED]

On August 12, 2010, the undersigned investigator performed fieldwork at the location, but Mr. [REDACTED] refused to provide a statement to the CCRB.

NYPD Statement(s):

Subject Officer: PO ALEXANDROS KALOGIROS

- *Officer Kalogiros is a 29 year old white male, 6'1", 250 pounds with black hair and brown eyes.*
- *On August 9, 2009, Officer Kalogiros was working in uniform from 5:30pm until 2:05am with Officer [REDACTED] doing sector patrol in a [REDACTED] vehicle.*

Memo-Book

Officer Kalogiros had no entries pertaining to this incident in his memo-book (Enc. 12A-B).

CCRB Statement

Officer Alexandros Kalogiros provided testimony at the CCRB on October 12, 2010 (Enc. 13A-B). He stated that on the incident date he was driving near 197th Street and Linden Boulevard in Queens when he observed Mr. [REDACTED] on the corner with at least three other individuals, some of whom were sitting on top of a large metal mailbox. Officer Kalogiros' partner, Officer [REDACTED] indicated that he observed a gun or something that looked like a gun on Mr. [REDACTED] person. Officer Kalogiros stopped the vehicle and Officer [REDACTED] got out. As soon as Officer [REDACTED] slammed the vehicle door shut, Mr. [REDACTED] began running away from them. Officer [REDACTED] pursued Mr. [REDACTED] on foot and Officer Kalogiros began pursuing him in his vehicle. When Officer Kalogiros turned the corner, he observed Mr. [REDACTED] was getting to his feet. He believed Mr. [REDACTED] either fell or ran into a parked vehicle. Officer Kalogiros never struck Mr. [REDACTED] and he did not observe a police vehicle in the area that could have struck him. However, there may have been a civilian vehicle in front of Officer Kalogiros' vehicle. Officer Kalogiros believed his partner might have called for backup as they were pursuing Mr. [REDACTED]

Officer [REDACTED] continued to pursue Mr. [REDACTED] into a yard. Officer Kalogiros believed that Mr. [REDACTED] was trying to hop the fence and come out on the other side of the street. As a result, Officer Kalogiros drove around to the other side of the street and got out of his vehicle. Officer Kalogiros did not know exactly which yard Officer [REDACTED] had entered but heard "police commands" but did not recall exactly what those commands were. As a result, Officer Kalogiros believed that Officer [REDACTED] must have found Mr. [REDACTED] in the yard. Officer Kalogiros drove around the block and saw people outside of [REDACTED] 196th Street waving towards him. Once he got out of the vehicle, they told him that Mr. [REDACTED] was upstairs. Officer Kalogiros ran into the house and observed Officer [REDACTED] up the stairs. Officer Kalogiros did not believe that Officer [REDACTED] had anything in his hand at the time. Officer Kalogiros observed Mr. [REDACTED] was in handcuffs and sitting on his rear. Mr. [REDACTED] was bleeding from his head but Officer Kalogiros did not recall where the blood was coming from. Officer Kalogiros said he had no physical interaction with Mr. [REDACTED] Officer Kalogiros did not recall Mr. [REDACTED] saying anything. Officer Kalogiros was the first officer to arrive after Mr. [REDACTED] was arrested. Afterwards, other officers began arriving on scene. Officer Kalogiros did not believe that he helped Mr. [REDACTED] down the stairs. Officer Kalogiros never saw any officer strike Mr. [REDACTED] while he was in handcuffs. Officer Kalogiros never directed profanity at Mr. [REDACTED] Officer Kalogiros could only remember Lt. Duran arriving on scene.

ESU was called to look for the firearm since they did not recover one on Mr. [REDACTED] person. Officer Kalogiros and Officer [REDACTED] retraced their steps looking under vehicles and storm grates but did not find a firearm. Officer [REDACTED] did not discuss what occurred between him and Mr. [REDACTED] Officer [REDACTED] has since left the NYPD.

Subject Officer: PO [REDACTED] [REDACTED]

- *Officer [REDACTED] is a 26 year old black male, 5'6", 160 pounds with black hair and brown eyes.*
- *On August 9, 2009, Officer [REDACTED] was working in uniform from 5:30pm until 2:05am with an unidentified officer doing SNEU operations in a [REDACTED] vehicle.*

Memo-Book

Officer [REDACTED] did not have any memo-book entries regarding this incident (Enc. 14A-B).

CCRB Statement

Officer [REDACTED] [REDACTED] of the 113th Precinct, was interviewed at the CCRB on December 8, 2010 (Enc. 15A-B). He stated that on the incident date he was working with a partner but did not recall who that officer was. Officer [REDACTED] heard a call for assistance come over the radio and he responded to the incident location. Once there, he and his partner observed a woman outside who pointed towards her house and stated, "He's in there." On scene were two patrol vehicles. Officer [REDACTED] and his partner ran inside and went up the stairs inside the house. At the top of the stairs were Officer [REDACTED] and Officer Kalogiros. They had Mr. [REDACTED] on the ground. Officer Kalogiros was on top of Mr. [REDACTED] and already had one handcuff applied. He was applying the other one. Neither officer had their guns drawn at that time.

Mr. [REDACTED] was moving around but was not providing any other resistance at that point because he was essentially handcuffed. Officer [REDACTED] did not participate in handcuffing Mr. [REDACTED]. He did not see any other officers present despite the presence of two patrol cars outside. The officers lifted Mr. [REDACTED] to his feet and Officer [REDACTED] helped escort Mr. [REDACTED] down the stairs. Officer [REDACTED] never used any force on Mr. [REDACTED] and never punched him in the face at any point. He never directed any profanity at Mr. [REDACTED] and never said, "That's the mother fucker." Mr. [REDACTED] was agitated but Officer [REDACTED] did not recall anything he said. Officer [REDACTED] placed Mr. [REDACTED] inside a patrol car and guarded the patrol car while 50 to 60 officers arrived on scene. Officer [REDACTED] did not know why the pursuit of Mr. [REDACTED] first began but knew that the officers arriving on scene were looking for "something." Mr. [REDACTED] was making comments from inside the patrol car, but Officer [REDACTED] could not recall what. Officer [REDACTED] knew Mr. [REDACTED] was injured as there was blood on him, but he did not know where he was injured. Officer [REDACTED] did not know how Mr. [REDACTED] came to be injured.

Witness Officer: LT. [REDACTED] [REDACTED]

- *Lt. [REDACTED] is a 38 year old white male, 6'0", 220 pounds with black hair and green eyes.*
- *On August 9, 2009, Lt. [REDACTED] was working in uniform from 5:30pm until 2:15am with Officer Perillo as Impact supervisor in a [REDACTED] patrol car.*

Memo-Book

His memo-book stated, "2105: 1 under by PO [REDACTED] male black for CPW and burg; 2135: 10-98"

CCRB Statement

Lt. [REDACTED] [REDACTED] was interviewed at the CCRB on October 26, 2010 (Enc. 16A-B). On August 9, 2009, Lt. [REDACTED] heard an 85 go out from Officer [REDACTED] who was in pursuit of a suspect. By the time Lt. [REDACTED] arrived on scene, the suspect, Mr. [REDACTED] was already in handcuffs in the back of a patrol car. Lt. [REDACTED] spoke with Officer [REDACTED] who stated that he chased Mr. [REDACTED] into the household and found people inside. The people inside indicated they did not know him. Lt. [REDACTED] went over to Mr. [REDACTED] and said he saw a laceration to his head. Lt. [REDACTED] asked him how he got the laceration and Mr. [REDACTED] did not answer him. Lt. [REDACTED] then asked Officer [REDACTED] what happened and Officer [REDACTED] said he bumped his head on something while running away. Lt. [REDACTED] only knew the officers who responded from the allegations sheet, but did not know who else was present

Witness Officer: PO [REDACTED] [REDACTED]

- *Officer [REDACTED] is a 26 year old white male, 5'10", 195 pounds with black hair and brown eyes.*
- *On August 9, 2009, Officer [REDACTED] was working in uniform from 5:30pm until 2:05am with Sgt. [REDACTED] doing sector patrol in a [REDACTED] vehicle.*

Memo-Book

Officer [REDACTED] did not have any memo-book entries pertaining to this incident (Enc. 17A-C).

CCRB Statement

On October 28, 2010, Officer [REDACTED] [REDACTED] was interviewed at the CCRB. He stated that on the incident date, he was the patrol sergeant's operator in a [REDACTED] vehicle with Sgt. [REDACTED] [REDACTED]. When he and Sgt. [REDACTED] arrived on scene, Mr. [REDACTED] was already in handcuffs. Officer [REDACTED] did not see any injuries on Mr. [REDACTED] person. There were a lot of officers on scene. Officer [REDACTED] did not know what led to Mr. [REDACTED] arrest. Officer [REDACTED] simply waited on scene while Sgt. [REDACTED] spoke with officers and then they left. Officer [REDACTED] had no interaction with Mr. [REDACTED]

PO [REDACTED] [REDACTED]

According to the Officer Identification database and the IAB investigative file, Officer [REDACTED] has resigned from the NYPD.

Medical Records

Mr. [REDACTED] medical records are enclosed (Enc. 19A-M). On August 10, 2009, Mr. [REDACTED] was brought to Queens Hospital Center and was diagnosed with a concussion. The chart indicates that he was assaulted. Mr. [REDACTED] had an abrasion to his right hand. A graph indicates he received five staples to the back portion of his head on upper-right hand side. He was given Tylenol.

NYPD Document(s)

All the Internal Affairs investigative actions associated with this case are enclosed in the case file (Enc. 28A-M1). It should be noted that Officer [REDACTED] told IAB that he would not speak with them regarding this investigation (Enc. 28E-F).

The arrest report (Enc. 20A-D) for Mr. [REDACTED] states, "At T/P/O A/O states that he observed the defendant grab his waist and remove a black firearm while running after him (unrecovered). A/O further states that the defendant did throw a bag of marijuana from his left front pocket. Defendant did in an attempt to flee from the police run inside a private home that he did not have permission to be inside of." Mr. [REDACTED] was charged with criminal possession of a firearm, burglary in the third degree, criminal trespass in the third degree and criminal possession of marijuana in the fifth degree. His arresting officer was Officer [REDACTED]

The command log is enclosed and does not note the physical condition of Mr. [REDACTED] (Enc. 22A-P). The roll call is enclosed and the only black male officer listed is Officer [REDACTED] (Enc. 21A-F).

Arrest for Incident and Disposition

- On March 1, 2010, Mr. [REDACTED] pled guilty to 140.15 (criminal trespass in the second degree) and was sentenced to 45 days in jail (Enc. 26A-V).

Status of Civil Proceedings

- [REDACTED] filed a Notice of Claim with the City of New York on August 28, 2010, claiming he was physically assaulted by officers, including punches, kicks, and that an officer struck him with a handgun (Enc. 26W). He is seeking \$3 billion as redress. Bruce Gomez of the NYC Comptrollers' Office indicated on February 8, 2011, that Mr. [REDACTED] has not held a 50-h hearing to date.

Civilian(s) Criminal History

- As of January 3, 2011, Office of Court Administration records reveal the following criminal convictions for Mr. [REDACTED] (Enc. 26A-V):
- On March 1, 2005, Mr. [REDACTED] pleaded guilty to 120.14 (menacing in the second degree) and was sentenced to 10 days in jail.
- On February 4, 2004, Mr. [REDACTED] pleaded guilty to 120.05 (assault in the second degree) and was sentenced to one year in jail and five years of probation. He was also sentenced for a separate charge of 240.26 (harassment in the second degree) on that day and sentenced to 60 days in jail.
- On October 6, 2004, he pleaded guilty to 140.10 (criminal trespass in the third degree) and was sentenced to 5 days in jail.
- On October 1, 2007, Mr. [REDACTED] pleaded guilty to 120.14 (menacing in the second degree) and was sentenced to 5 months in jail.
- On April 17, 2008, Mr. [REDACTED] pleaded guilty to 221.05 (unlawful possession of marijuana) and was released on his own recognizance.
- On September 10, 2008, Mr. [REDACTED] pleaded guilty to 120.00 (assault in the third degree) and was sentenced to 30 days in jail.
- On June 30, 2009, Mr. [REDACTED] pleaded guilty to 240.20 (disorderly conduct) and was given time served.
- On June 18, 2010, Mr. [REDACTED] was indicted for 265.02 (criminal possession of a weapon in the third degree) stemming from an arrest on December 31, 2009.

Civilian(s) CCRB History

- This is the first CCRB complaint filed by [REDACTED] (Enc. 1A-C).

Subject Officer(s) CCRB History

- Officer Kalogiros has been a member of the service for five years and there are no substantiated CCRB allegations against him (Enc. 1A-C).

- Officer [REDACTED] has been a member of the service for four years and there are no substantiated CCRB allegations against him. (Enc. 1A-C).
- Officer [REDACTED] has no substantiated CCRB allegations against him (Enc. 1D).

Conclusion

Identification of Subject Officer(s)

Mr. [REDACTED] identified Officer Kalogiros from an IAB photo array as the officer who struck him with a blunt object. Furthermore, the officer Mr. [REDACTED] described as striking him matched the pedigree of Officer Kalogiros while the other officer Mr. [REDACTED] described matched the pedigree of Officer [REDACTED]. Officer [REDACTED] pedigree was obtained from a CCRB case from 2009, in which he was listed as a white male, 6'2", 210 pounds with a bald head and hazel eyes. In all three interviews, including both his IAB interviews, and in his CCRB interview, he described an officer matching the pedigree of Officer Kalogiros as the one striking him. While there was some discrepancy between his first interview and his second interview regarding whether he was struck with a gun first or kicked and punched first, he was still consistent that it was Officer Kalogiros who is the one who hit him. Although in the IAB transcriptions of Mr. [REDACTED] and Mr. [REDACTED] interviews, IAB identified Officer [REDACTED] as the officer that ran into the house first and struck Mr. [REDACTED] there is no indication how they came to that finding. Furthermore, neither Mr. [REDACTED] nor Mr. [REDACTED] could pick Officer [REDACTED] out of a photo array, which further confuses how IAB determined that Officer [REDACTED] ran into the house first. However, the fact that IAB only showed Officer [REDACTED] in a photo array without showing Officer Kalogiros in the first interview of Mr. [REDACTED] suggests that Officer Kalogiros was not considered a subject officer at that point (it was not until the second interview that IAB officers showed a photo array containing Officer Kalogiros).

Officer Kalogiros stated that Officer [REDACTED] was the officer who entered the house first and that Officer Kalogiros never physically interacted with Mr. [REDACTED]. Despite Officer Kalogiros' testimony, Mr. [REDACTED] actually picked out *both* Officer Kalogiros and Officer [REDACTED] from a photo array, indicating he was cognizant of the identities of both officers and their roles in the incident. With that in mind, it is notable that Mr. [REDACTED] picked out Officer Kalogiros from the photo array specifically as the officer who struck him in the head when he could have just as easily have pointed out Officer [REDACTED] as the officer responsible for that allegation. In addition, Mr. [REDACTED] described the officer who hit him and that officer's pedigree matched Officer Kalogiros. Mr. [REDACTED] also described the pedigree of Officer [REDACTED] and it matched Officer [REDACTED] pedigree as well.

As a result, the allegation in regards to Mr. [REDACTED] being struck with a blunt object will be pleaded against Officer Kalogiros. A force allegation will also be pleaded against Officer [REDACTED] since Mr. [REDACTED] alleged Officer [REDACTED] punched and kicked him. Mr. [REDACTED] picked out Officer [REDACTED] from a photo array as the officer who punched him as he walked down the stairs, as a result, that allegation will be pleaded against Officer [REDACTED].

Investigative Findings and Recommendations

Allegations Not Pleaded

Mr. [REDACTED] told IAB that the car that struck him was actually operated by a civilian, not a police officer. As a result, this allegation will not be pleaded.

Allegation A) Abuse of Authority: PO Alexandros Kalogiros stopped [REDACTED] [REDACTED]

Officer Kalogiros indicated that Officer [REDACTED] told him he saw what looked like a gun, leading to the stop of Mr. [REDACTED]. It is important to note that in Mr. [REDACTED] testimony he heard an officer transmit over his radio that there was a male with a gun, lending support to Officer

Kalogiros' testimony and SPRINT indicated the officers believed they saw a man with a gun. The fact that Mr. [REDACTED] ran into someone's house to elude the officers suggest he was concealing something because despite what Mr. [REDACTED] may have alleged, it was clear since uniformed officers were pursuing him, he knew it was the police at the time he ran. All of these factors support Officer Kalogiros' testimony regarding the allegation. It is therefore recommended **Allegation A** be closed **exonerated**.

Allegation B) Abuse of Authority: PO [REDACTED] stopped [REDACTED]
Internal Affairs indicated that Officer [REDACTED] resigned from the NYPD. It is therefore recommended **Allegations B** and be closed **miscellaneous – subject resigned**.

Allegation C) Force: PO Alexandros Kalogiros pointed his gun at [REDACTED]
Considering the officers entered a house containing a suspect they believed was armed, they had grounds to enter the house and point their guns at Mr. [REDACTED] as a safety precaution. It is therefore recommended **Allegation C** be closed **exonerated**.

Allegation D) Force: PO Alexandros Kalogiros struck [REDACTED] with a blunt object.

Mr. [REDACTED] said that the same officer who pointed the gun at him ran up to him and struck him with what Mr. [REDACTED] believed was a gun, resulting in an injury that later required staples. Mr. [REDACTED] identified Officer Kalogiros as the officer who struck him on the head from a photo array provided by IAB. In all three interviews, he also described an officer matching Officer Kalogiros' pedigree as the officer who struck him with a blunt object. While there was some discrepancy between interviews regarding whether he was struck with a blunt object first (one IAB interview and his CCRB interview) or punched and kicked first (his first IAB interview), ultimately he was consistent that it was Officer Kalogiros who struck him with a blunt object.

Furthermore, Officer Kalogiros stated that Mr. [REDACTED] was already handcuffed when he arrived. However, Officer [REDACTED] stated that Officer Kalogiros was in the process of handcuffing Mr. [REDACTED] when he arrived on scene. At the very least, both Officer [REDACTED] and Officer Kalogiros were present while Mr. [REDACTED] was being handcuffed despite Officer Kalogiros' assertion.

The fact that Officer [REDACTED] refused to be interviewed after retiring from the NYPD makes it more difficult to determine exactly how Mr. [REDACTED] arrest was effected. Officer Kalogiros' testimony does seem to have some credibility issues, especially in light of Officer [REDACTED] testimony that places him inside the room while Mr. [REDACTED] was still in the process of being arrested (although it is possible Officer [REDACTED] was mistaken in his recollection). However, Mr. [REDACTED] clearly had some credibility issues as well, especially if his various statements between IAB and CCRB are compared and contrasted. Although it is evident that some force was used to apprehend and restrain Mr. [REDACTED] who was suspected of possessing a firearm and had just led the officers on a foot pursuit which culminated in his breaking into someone else's residence to avoid capture, neither the type of force nor the immediate circumstances surrounding the use of force could be determined. Because the investigation was unable to come to a preponderance regarding this allegation, it is recommended **Allegation D** be closed **unsubstantiated**.

Allegation E) PO [REDACTED] used physical force against [REDACTED]
Mr. [REDACTED] picked out Officer [REDACTED] as the officer who entered the house second. He stated that both Officer Kalogiros and Officer [REDACTED] began striking him once he was on the ground. However, Officer [REDACTED] resigned from the police department. It is therefore recommended **Allegation E** be closed **miscellaneous – subject resigned**.

Allegation F) Force: PO [REDACTED] used physical force against [REDACTED]

Mr. [REDACTED] indicated that a black male officer struck him as he was being led down the stairs of the house. Officer [REDACTED] was identified as the only black male officer working on the incident date. Mr. [REDACTED] then identified Officer [REDACTED] as the officer who punched him when viewing a photo array. There is no evidence that Mr. [REDACTED] sustained an injury on his face, as the medical records do not record any type of injury and his arrest photograph shows no visible injury to his face. Officer [REDACTED] acknowledged that he was present during this incident and that he escorted Mr. [REDACTED] downstairs. However, he denied ever using any type of force on Mr. [REDACTED]. Since the investigation could not come to a preponderance of evidence regarding this allegation, it is recommended **Allegation F** be closed **unsubstantiated**.

Allegation G) Discourtesy: PO Alexandros Kalogiros spoke obscenely to [REDACTED]

Mr. [REDACTED] indicated that as he was being driven back to the stationhouse, Officer Kalogiros said to him, "You mother fuckers are always selling weed." Mr. [REDACTED] was candid that he was angry and was cursing at the officers, challenging them to a fight, and calling them "niggers." Given that scenario, it increases the possibility that Officer Kalogiros did indeed curse at Mr. [REDACTED] in return. However, considering there is no other evidence to indicate whether this happened, the investigation could not come to a preponderance regarding this allegation. It is therefore recommended **Allegation G** be closed **unsubstantiated**.

Allegation H) Other Misconduct: PO Alexandros Kalogiros failed to prepare a memo book entry as required.

Allegation I) Other Misconduct: PO [REDACTED] failed to prepare a memo book entry as required.

Officer Kalogiros and Officer [REDACTED] had no memo-book entries in regards to this incident. Patrol Guide Procedure 212-08 states officers are responsible for noting, "Information pertinent to an assignment or observed/suspected violation of the law." Since both officers indicated they had an active role in this incident, they were obligated to document their involvement. Since they failed to do so, it is recommended **Other Misconduct** be noted.

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rose Lantigua (S14)	Team: Squad #14	CCRB Case #: 201607047	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tue, 08/16/2016 9:30 AM	Location of Incident: [REDACTED]	Precinct: 105	18 Mo. SOL 02/16/2018	EO SOL 2/16/2018	
Date/Time CV Reported Tue, 08/16/2016 7:17 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 08/16/2016 7:17 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED] Queens Village NY 11428
2. [REDACTED]	Victim	[REDACTED] Queens Village NY 11428

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	WARRSEC
2. DT3 Alexandros Kalogiros	04913	936837	WARRSEC
3. DT3 [REDACTED]	[REDACTED]	[REDACTED]	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM [REDACTED]	[REDACTED]	[REDACTED]	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] entered and searched [REDACTED] 208th Street, in Queens.	A . Unsubstantiated
B . DT3 [REDACTED]	Abuse of Authority: Detective [REDACTED] entered and searched [REDACTED] 208th Street, in Queens.	B . Unsubstantiated
C . DT3 Alexandros Kalogiros	Abuse of Authority: Detective Alexandros Kalogiros entered and searched [REDACTED] 208th Street, in Queens.	C . Unsubstantiated
D . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] damaged [REDACTED] property.	D . Substantiated
E . POM [REDACTED]	Abuse of Authority: Police Officer [REDACTED] entered and searched the basement of [REDACTED] 208th Street in, Queens.	E . Substantiated
F . DT3 [REDACTED]	Abuse of Authority: Detective [REDACTED] entered and searched the basement of [REDACTED] 208th Street, in Queens.	F . Substantiated
G . DT3 Alexandros Kalogiros	Abuse of Authority: Detective Alexandros Kalogiros entered and searched the basement of [REDACTED] 208th Street, in Queens.	G . Substantiated
H . POM [REDACTED]	Discourtesy: Police Officer [REDACTED] spoke discourteously to [REDACTED]	H . Unsubstantiated

Case Summary

On August 16, 2016, [REDACTED] filed the following complaint by phone with the CCRB on behalf of his brother, [REDACTED] Mr. [REDACTED] did not witness the incident.

On August 16, 2016, at approximately 9:15 a.m., Mr. [REDACTED] was alone in his home at [REDACTED] 208th Street in Queens. Police Officer [REDACTED] Detective [REDACTED] Detective Alexandros Kalogiros, and Police Officer [REDACTED] [REDACTED] from Warrant Section Queens arrived at the location with an arrest warrant for Mr. [REDACTED] son, who has the same name as Mr. [REDACTED] Mr. [REDACTED] answered the door for the officers and spoke to the investigating officer, PO [REDACTED] who asked him whether his son was at the location. PO [REDACTED] Det. [REDACTED] and Det. Kalogiros allegedly walked into Mr. [REDACTED] home without establishing consent (**Allegation A, B, and C**). Mr. [REDACTED] guided the officers through separate rooms of the house where they looked under the beds and inside the closets of each room.

PO [REDACTED] Det. [REDACTED] and Det. Kalogiros approached a locked door that leads to the basement of the home. M[REDACTED] told the officers that he did not have a key for the door. PO [REDACTED] kicked down the door to the basement (**Allegation D**), and PO [REDACTED] Det. [REDACTED] and Det. Kalogiros entered and searched the basement (**Allegations E, F, and G**). PO [REDACTED] allegedly called Mr. [REDACTED] a “fucking liar” (**Allegation H**). PO [REDACTED] left a business card with his telephone number at the conclusion of the search.

On the same day, Mr. [REDACTED] called PO [REDACTED] in regards to the search of his home and the damage caused to the basement door.

This case is being submitted approximately one week past the 90-day [REDACTED] APU Prosecutor Heather Cook was consulted about the legal issues related to the entry.

Mediation, Civil and Criminal Histories

- Mediation was presented to Mr. [REDACTED] but he rejected mediation due to the property damage.
- Without a valid NYSID number, the undersigned investigator was unable to look up Mr. [REDACTED] criminal conviction history in the Office of Court Administration Database.
- Without a valid NYSID number, the undersigned investigator was unable to look up Mr. [REDACTED] criminal conviction history in the Office of Court Administration Database.

Civilian and Officer CCRB Histories

- This is Mr. [REDACTED] first CCRB complaint. Mr. [REDACTED] has not filed any previous CCRB complaints. (BR01) (BR02)
- PO [REDACTED] has been a member of the NYPD for five years. He does not have any previous CCRB allegations. (See officer history)
- Det. [REDACTED] has been a member of the NYPD for 14 years and has 12 other CCRB allegations. Two previous allegations of entry and search were closed as unsubstantiated and exonerated. None of the other allegations against Det. [REDACTED] have been substantiated and they do not reflect a pattern applicable to this case. (See officer history)
- Det. Kalogiros has been a member of the NYPD for 11 years and has six other CCRB allegations and one additional open CCRB case, 201607354, with an allegation of entry and search. None of the other allegations against Det. Kalogiros have been substantiated

- and they do not reflect a pattern applicable to this case. (See officer history)
- PO [REDACTED] has been a member of the NYPD for five years. He does not have any previous CCRB allegations. (See officer history)

Findings and Recommendations

Allegations not pleaded

- **Discourtesy:** Mr. [REDACTED] said PO [REDACTED] and an unidentified officer screamed in the direction of the basement, “Fucking [REDACTED] I know you’re fucking in there” and “[REDACTED] I know you’re fucking in here. Get the fuck out. Come on. Put your hands up.” The [REDACTED] were not directed at Mr. [REDACTED] and were only directed at what was later determined to be an empty room. As such, they are not being pleaded separately from the other discourtesy allegations of which PO [REDACTED] is already a subject.
- **Abuse of Authority:** Mr. [REDACTED] said that PO [REDACTED] failed to provide his shield number when they spoke over the phone. However, it was evident that, at this point, PO [REDACTED] had already identified himself to Mr. [REDACTED] by name and rank, and had given him his business card. Because there is no allegation that PO [REDACTED] failed to identify himself, this is not being pleaded.

Allegation A - Abuse of Authority: Police Officer [REDACTED] entered and searched [REDACTED] 208th Street, in Queens.

Allegation B - Abuse of Authority: Detective [REDACTED] entered and searched [REDACTED] 208th Street, in Queens.

Allegation C - Abuse of Authority: Detective Alexandros Kalogiros entered and searched [REDACTED] 208th Street, in Queens.

Mr. [REDACTED] recounted that he was only wearing underwear and socks when he answered the door for the officers. He stated that PO [REDACTED] asked him about his son. Mr. [REDACTED] identified himself and told PO [REDACTED] that the subject of their warrant is his son. PO [REDACTED] asked Mr. [REDACTED] whether his son was at the location. Mr. [REDACTED] informed PO [REDACTED] that his son left the location three years ago. Mr. [REDACTED] recounted that he began to take a few steps back because he wanted to put clothes on. He stated that PO [REDACTED] allegedly walked inside and told him that the officers needed to go inside and could not leave the location until they had gone inside. Det. [REDACTED] and Det. Kalogiros allegedly entered the house behind PO [REDACTED]. Mr. [REDACTED] stated that he did not give the officers consent to enter the house.

PO [REDACTED] stated that he arrived at the [REDACTED] 208th Street in Queens with a warrant to arrest Mr. [REDACTED] son, also named [REDACTED]. The address on the warrant was 87-24 126th Street in Queens (BR03). He explained that he used a search engine that corroborated the address and also recognized the address listed on several arrest prior arrest reports. PO [REDACTED] explained that the most recent arrest report listed the address on the warrant as the subject’s address. He also explained that he wanted to visit [REDACTED] 208th Street in Queens because he learned that the subject had family at the location. PO [REDACTED] knocked on the side door of the house for five minutes before Mr. [REDACTED] answered the door. Mr. [REDACTED] identified himself as the father of the subject on the warrant. PO [REDACTED] asked Mr. [REDACTED] whether his son was home. Mr. [REDACTED] told PO [REDACTED] that his son was not residing at that location but that he stays there once in a while. Mr. [REDACTED] did not have any contact information or knowledge about his son’s whereabouts. PO [REDACTED] also said that he showed Mr. [REDACTED] a copy of the warrant. He recounted that Mr. [REDACTED] gave the officers consent to enter the home and check whether his son was at the location. PO [REDACTED] entered with Det. [REDACTED] and Det. Kalogiros.

Mr. [REDACTED] accompanied the officers as they looked through the rooms throughout the house. PO [REDACTED] stated that Mr. [REDACTED] did not protest the officer's presence at the house.

Det. [REDACTED] recounted that PO [REDACTED] spoke to Mr. [REDACTED] at the door. He described that Mr. [REDACTED] appeared as if he had just woken up because he did not have a shirt on. Det. [REDACTED] recounted that PO [REDACTED] showed Mr. [REDACTED] a copy of the warrant and he identified himself as a relative of the subject. Mr. [REDACTED] told the officers that the subject of the warrant comes and goes from the location. He also told the officers that he was not sure whether the subject was at the location. Det. [REDACTED] recounted that an officer asked Mr. [REDACTED] whether they could look around the house although he could not recall which officer asked Mr. [REDACTED] this. Det. [REDACTED] said that Mr. [REDACTED] provided consent for the officers to enter the home. He described that Mr. [REDACTED] stepped away and stated that he understood Mr. [REDACTED] body language as consent. Det. [REDACTED] corroborated PO [REDACTED] statement that Mr. [REDACTED] guided the officers throughout the house. He described Mr. [REDACTED] as quiet but cooperative.

Det. Kalogiros recounted that he identified himself as a police officer and told Mr. [REDACTED] that he had a warrant. He also said that he got PO [REDACTED] attention so he could speak with Mr. [REDACTED] since he was the investigating officer. Det. Kalogiros added that PO [REDACTED] spoke to Mr. [REDACTED] and showed him a copy of the warrant. He recounted that Mr. [REDACTED] looked at the warrant and acknowledged that he knew the subject. Det. Kalogiros recounted that Mr. [REDACTED] said that the subject of the warrant stays at the location from time to time. Det. Kalogiros did not recall whether Mr. [REDACTED] told them the last time the subject had stayed at the location. He stated that they asked Mr. [REDACTED] whether they could enter the home because they had a warrant and Mr. [REDACTED] gave them verbal consent.

An officer cannot legally search for the subject of an arrest warrant in the home of a third party without exigent circumstances or consent. Steagald v. United States, 451 U.S. 204 (1981) (BR04)

Although the officers were searching for the subject at a different address than the one specified on the warrant, their actions would have been justified if they had established consent before entering. If PO [REDACTED] and Det. Kalogiros' account of the incident is credited, they established verbal consent with Mr. [REDACTED] before entering the home. If Det. [REDACTED] account is credited, Mr. [REDACTED] body language may have also indicated consent nonverbally. Still, Mr. [REDACTED] denied providing consent.

Although the testimonial evidence from the officers indicates that Mr. [REDACTED] provided consent, Mr. [REDACTED] testimony contradicts this. Ultimately, the investigation could not reconcile the conflicting testimonies. Absent additional information, the investigation could not determine by a preponderance of the evidence whether the officers had consent to enter. Therefore, it is recommended that **Allegations A, B, and C** be closed as **unsubstantiated**.

Allegation D - Abuse of Authority: Police Officer [REDACTED] damaged [REDACTED] property.

Allegation E - Abuse of Authority: Police Officer [REDACTED] entered and searched the basement of [REDACTED] 208th Street, in Queens.

Allegation F - Abuse of Authority: Detective [REDACTED] entered and searched the basement of [REDACTED] 208th Street, in Queens.

Allegation G - Abuse of Authority: Detective Alexandros Kalogiros entered and searched

the basement of [REDACTED] 208th Street, in Queens.

Mr. [REDACTED] recounted that the officers looked under the beds and inside the closets of each room in the house. The officers approached a locked door at the bottom of a staircase that leads to the basement. PO [REDACTED] asked Mr. [REDACTED] whether he had a key to the basement door. Mr. [REDACTED] explained that his sister lives in the basement but the basement was locked because she had just left to work. Mr. [REDACTED] also told the officers that he did not have a key. PO [REDACTED] kicked down the door to the basement during which time Mr. [REDACTED] asked him whether he had a warrant. PO [REDACTED] continued to kick the door and busted the door open but there was a chain on the other side of the door. PO [REDACTED] asked Mr. [REDACTED] why there was a chain on the other side of the door and mentioned that someone would need to be on the other side of the door to put a chain on the door. Mr. [REDACTED] told PO [REDACTED] to look closely at the door and see that there was a key that would allow him to open the chain on the door and lock the door from the outside. PO [REDACTED] kicked the door open and entered the basement with Det. [REDACTED] and Det. Kalogiros entered and searched the basement. Mr. [REDACTED] did not enter the basement with the officers.

During his interview, Mr. [REDACTED] said that he spoke with PO [REDACTED] on the phone in regards to the damage that was caused to the front door and the basement door. Mr. [REDACTED] also provided photos of a cracked doorframe to the CCRB. (BR05) (BR06) (BR07) (BR08)

PO [REDACTED] recounted that he approached a door at the bottom of a flight of stairs and attempted to open it but it was locked from the inside. He explained that the door only opened an inch or two because it was chained from the inside. PO [REDACTED] asked Mr. [REDACTED] whether anyone else was home and whether he had a key. Mr. [REDACTED] told PO [REDACTED] that the basement was his sister's apartment but she was not home at the time. PO [REDACTED] asked Mr. [REDACTED] how the door had been locked from the inside. Mr. [REDACTED] responded that he did not know. PO [REDACTED] initially stated that he asked Mr. [REDACTED] whether anyone was inside of the apartment and Mr. [REDACTED] responded, "Could be." He later stated that he asked Mr. [REDACTED] whether his son was inside of the room and Mr. [REDACTED] responded, "Could be." PO [REDACTED] recounted that he returned to the basement door and opened it again. PO [REDACTED] said that he heard movement and explained that the movement sounded like a thud. PO [REDACTED] announced himself by saying, "Police! [REDACTED] if you're in the room come to the door and unlock it. Open it up." PO [REDACTED] said he continued to hear movement but said that no one came to the door. He recounted that he asked Mr. [REDACTED] if he had access to the door and Mr. [REDACTED] responded that he did not. PO [REDACTED] recounted that he told Mr. [REDACTED] that he had to take down the door. He said that Mr. [REDACTED] stepped back and said, "Well you have a warrant." PO [REDACTED] explained that he believed that he had Mr. [REDACTED] consent to open the door because of Mr. [REDACTED] body language and statement about the warrant. PO [REDACTED] kicked the door off of the hinges and entered the room with Det. [REDACTED] and Det. Kalogiros. PO [REDACTED] recounted that he saw the chains broken and the door falling off of the hinges. PO [REDACTED] said that they did not find the subject within the room and speculated that the movement he heard came from several cats inside of the room. He described the room as dark and dusty and stated that the room did not have any windows. PO [REDACTED] returned upstairs with Det. [REDACTED] and Det. Kalogiros and provided his name and phone number to Mr. [REDACTED]. He said that Mr. [REDACTED] did not ask any further questions or complain about damage to the door. PO [REDACTED] said that he did not notice that the doorframe was cracked. PO [REDACTED] also recounted that Mr. [REDACTED] was cooperative throughout the incident.

Det. [REDACTED] recounted that he and the other officers encountered a door at the basement that was locked by three chains on the opposite side. Det. [REDACTED] stated that he did not see whether there was a locking mechanism for the chain outside of the door. He did not recall whether any of the officers asked Mr. [REDACTED] if there was a key to the door. Det. [REDACTED] recounted that they asked Mr. [REDACTED] whether the subject could be in the room that was locked and Mr. [REDACTED] responded that he was not sure. Det. [REDACTED] also recounted that he heard movement before the officers knocked on the door. He described the movement as furniture being moved along the floor. Det. [REDACTED] also said that he and PO [REDACTED] and Det. Kalogiros identified themselves by saying, "Police!" He also said that the officers mentioned that they were in the warrant squad and called out the subject's name. Det. [REDACTED] recounted that he turned to Mr. [REDACTED] and asked him again whether the subject could be inside of the room that was locked and Mr. [REDACTED] responded that it was possible. Det. [REDACTED] did not recall whether there was a conversation with Mr. [REDACTED] about breaking the door down. He also did not recall whether they asked Mr. [REDACTED] if they could break the door down. Det. [REDACTED] said that he did not see how the door was taken down because he stood behind PO [REDACTED] and Det. Kalogiros on the stairway. Det. [REDACTED] said that he did not see any damage to the door but said that the chains that kept the door locked were most likely damaged. Det. [REDACTED] recounted that he looked at Mr. [REDACTED] before entering the room and said that Mr. [REDACTED] became very quiet and walked away. Det. [REDACTED] said that the room had very poor lighting and was in poor condition. He recounted that there was a lot of dust, dirt, and stated that there were cats inside of the room.

Det. Kalogiros corroborated PO [REDACTED] and Det. [REDACTED] statements that they searched throughout the house before they encountered a basement door that was chained on the inside. Det. Kalogiros did not recall whether Mr. [REDACTED] explained how to gain access to the door. He said that Mr. [REDACTED] did not try to explain how to open the door from the outside. Det. Kalogiros also said that he heard movement behind the door. He described the movement as rustling, small thuds, and something moving around. Det. Kalogiros did not recall the details of the conversation between Mr. [REDACTED] and the officers regarding the door. He did not recall whether Mr. [REDACTED] gave the officers permission to take down the door. Det. Kalogiros said that PO [REDACTED] took the door down with the force of his body. He recounted that Mr. [REDACTED] did not raise his voice or argue with the officers. He also recounted that Mr. [REDACTED] remained cooperative after the officers had searched the basement. Det. Kalogiros said that the chains on the door were broken off but described that the door was still on its hinges. Det. Kalogiros described the basement as dark, dusty, and cluttered. He stated that there were parts of the basement that remained unsearched because certain areas were hard to reach.

An officer cannot legally search for the subject of an arrest warrant in the home of a third party without exigent circumstances or consent. Steagald v. United States, 451 U.S. 204 (1981) (BR04)

In determining whether exigent circumstances are present, courts have applied a number of different factors, including the following: 1) the gravity or violent nature of the offense with which the suspect is to be charged; 2) whether the suspect is reasonably believed to be armed; 3) a clear showing of probable cause to believe that the suspect committed the crime; 4) strong reason to believe that the suspect is in the premises being entered; 5) a likelihood that the suspect will escape if not swiftly apprehended; and 6) the peaceful circumstances of the entry. People v. McBride, 14 N.Y.3d 440 (2010) (BR09)

Even if Mr. [REDACTED] had allowed the officers into his home, the apartment in the basement was

outside of the scope of his consent because it was his sister's and not his. Absent consent, the officers would have needed exigent circumstances to enter.

At the time of the entry, the officers were in possession of an arrest warrant, and as such, they had a clear showing of probable cause. However, the warrant was for criminal possession of marihuana in the fifth degree, a nonviolent offense (BR03). Furthermore, the officers did not provide any reasons to support the conclusion that the subject was armed. Although the officers described some factors that increased their suspicion, the investigation determined that they did not have a strong reason to believe the subject of their warrant was in the basement. The officers said that they heard movement inside; however, these noises were not definitively identifiable as a person and PO [REDACTED] eventually attributed them to the cats he later observed in the basement. As such, these noises were not a strong indicator that the subject of the warrant was inside. The officers also said the basement door was chained from the inside; however, Mr. [REDACTED] said he explained to the officers that this chain could be opened from the outside with a key. Finally, the officers said that Mr. [REDACTED] conceded that the subject of the warrant "could be" inside; however, Mr. [REDACTED] comments were speculative. Given that the location's address was different than the one on the warrant, and that Mr. [REDACTED] had previously told the officers that his son was not present, the officers did not have a strong reason to believe the subject of their warrant was inside the basement. The officers did not say they made any attempt to assess the likelihood of a person escaping from the basement. It is unknown whether the basement had another exit, but the fact that PO [REDACTED] described it as windowless does not support the conclusion that there was a strong likelihood that a subject could have escaped. Finally, given that the officers made a forced entry and damaged the door in the process, the circumstances of the entry were not peaceful.

The preponderance of the evidence indicates that the officers did not have consent or exigent circumstances to enter and search the basement of [REDACTED] 208th Street in Queens. As such, PO [REDACTED] was not justified in making the forced entry that resulted in the damage to the basement door. Therefore, it is recommended that **Allegations D, E, F, and G** be closed as substantiated.

Allegation H - Discourtesy: Police Officer [REDACTED] spoke discourteously to [REDACTED]

Mr. [REDACTED] said that PO [REDACTED] asked him why and how the basement door had been chained from the inside. He also recounted that PO [REDACTED] told him that someone would need to be inside of the basement to chain the door. Mr. [REDACTED] told PO [REDACTED] that if he looked closely he could see that a key existed that allowed door to be opened and chained from the outside. PO [REDACTED] allegedly called Mr. [REDACTED] a "fucking liar" and kicked the door open.

PO [REDACTED] denied that he or the other officers called Mr. [REDACTED] a "fucking liar." Det. [REDACTED] and Det. Kalogiros corroborated PO [REDACTED] statement and said that none of the officers used profanity throughout the incident.

Based on PO [REDACTED] denial of the allegations and the lack of independent corroboration, the investigation could not determine by a preponderance of the evidence whether PO [REDACTED] used profanity with Mr. [REDACTED]. Therefore, it is recommended that **Allegation H** be closed as **unsubstantiated**.

Squad: **14**

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date